

SENATE No. 1500

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to homeowners associations.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

SENATE No. 1500

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 1500) of Brian A. Joyce for legislation relative to homeowners associations. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1349 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to homeowners associations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 62 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 5D. (a) As used in this section, the following words shall have the following
4 meanings:-

5 “Common areas and facilities”, all real property and facilities within a community which
6 is owned or leased by an association or dedicated for use or maintenance by the association or its
7 members.

8 "Homeowners' association", an incorporated or unincorporated entity responsible for the
9 operation of a community in which the voting membership is made up of parcel owners or their
10 agents, or a combination thereof, and in which membership is a mandatory condition of parcel

11 ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on
12 the parcel.

13 “Parcel”, a platted or unplatted lot, tract, unit, or other subdivision of real property within
14 a community, as described in the declaration:

15 (i) Which is capable of separate conveyance; and

16 (ii) Of which the parcel owner, or an association in which the parcel owner must be a
17 member, is obligated:

18 (1) By the governing documents to be a member of an association that serves the
19 community; and

20 (2) To pay to the homeowners’ association assessments that, if not paid, may result in a
21 lien.

22 (b) Each parcel of a homeowners’ association and its interest in the common areas and
23 facilities shall be considered an individual parcel of real estate for the assessment and collection
24 of real estate taxes but the common areas and facilities shall not be deemed to be a taxable
25 parcel. Betterment assessments or portions thereof, annual sewer use charges, water rates and
26 charges and all other assessments, or portions thereof, rates and charges of every nature due to a
27 city, town or district with respect to the homeowners’ association or any part thereof, other than
28 real estate taxes, may be charged or assessed to the homeowners’ association; provided,
29 however, that any lien of the city, town or district provided by law therefor shall attach to the
30 parcels in proportion to the percentages, set forth in the master deed on record, of the undivided
31 interests of the respective parcels in the common areas and facilities.

SECTION 2. This act shall take effect upon passage.